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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,005	01/29/2004	Shinji Tanaka	Q79562	2005

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EXAMINER
NUNEZ, JORDANY

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/766,005	TANAKA, SHINJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jordany Núñez	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                                     |

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## **DETAILED ACTION**

### ***Claim Objections***

Claims 9-11 are objected to because of the following informalities: Claims 9, 10, and 11 currently depend from claims 1, 2, and 1, respectively, even though claims 1 and 2 do not currently exist. For the purposes of this examination, Examiner will assume that Claims 9, 10, and 11 depend from claims 8, 9, and 8, respectively. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtuska et al. (EP 0 804 018 A2, hereinafter Ohtuska) in view of Takemura et al. (U.S. 6,089,772, hereinafter Takemura).

As to claim 8, 12, 13:

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Ohtuska shows computer program product having a computer readable medium with a printer operating guide program, a method, and an apparatus for enabling a computer (abstract, lines 5-14) to perform the steps comprising:

monitoring a status information sent from a printer (column 1, lines 16-19 and column 7, lines 33-35);

determining whether or not a cartridge for printing has been attached to the printer (figure 25, element s420, column 25, lines 18-20); and

after a cartridge is attached, displaying (e.g., enabling) a selection user interface from which selection of a print mode is waited before proceeding to a next step (column 25, line 52 to column 26, line 3).

Ohtuska fails to specifically show: enabling a button for advancing process to be clicked by a user if it is determined the cartridge has been attached to the printer.

In the same field of invention, Takemura teaches: a printer including a housing defining a media feed portion. Takemura further teaches: a user interface for selecting the speed and quality of print resolution (e.g., print mode) (figure 46), said user interface including an OK button and a Cancel button.

Thus, it would have been obvious to one of ordinary skill in the art, having the teachings of Ohtuska and Takemura at the time that the invention was made, to have combined the user interface for selecting the speed and quality of print resolution including an OK button and a Cancel button of Takemura with the product, method, and apparatus as taught by Ohtuska.

One would have been motivated to make such combination because a way to allow a user submit selection of a print mode through the use of an OK button would have been obtained and desired as expressly taught by Takemura (figure 46).

As to claim 9, as best understood, Ohtuska expressly shows:

Wherein if it is determined that there is some error in the attachment of the cartridge, the button for advancing process is not enabled to be clicked and then, an image to advise the user to check the attachment of the cartridge is displayed (column 25, lines 23-30).

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As to claim 10, as best understood, Takemura expressly shows:

Ohtuska and Takemura show a product, method, and apparatus substantially as claimed, as specified above.

Takemura further shows: a sub heater control driving the temperature of a print head upon receipt 10 ms interrupt (e.g., time-out period), said sub heater control being part of timer operations being provided by a cyclic handler (column 23-27), and cyclic handlers being provided for user interface tasks (e.g., image to advise user) (column 27, lines 20-22), a host processor requesting a printer status (column 23, 56-63), said printer status comprising whether an error or alarm has been detected (column 24, lines 3).

Ohtuska and Takemura fail to specifically teach: Wherein a predetermined time-out period is set, and the image to advise the user to check the attachment of the cartridge is displayed after the time-out has occurred.

It would have been obvious to one of ordinary skill in the art, having the teachings of Ohtuska and Takemura at the time that the invention was made, to have included the predetermined time-out period being set, and the image to advise the user to check the attachment of the cartridge being displayed after the time-out has occurred with the product, method, and apparatus as taught by Ohtuska and Takemura.

One would have been motivated to make such combination because a way to verify that a sub heater control would properly drive the temperature of a cartridge's print head would have been obtained and desired.

As to claim 11, as best understood, Ohtuska expressly shows:

Wherein the status information sent from the printer is based on a sensor output from a sensor which detects whether the cartridge has been attached or not (column 9, lines 45-52).

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References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ohtsuka et al. [U.S. 6,145,950]

Moro et al. [U.S. 6,327,051]

Pappalardo et al. [U.S. 6,977,753]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordany Núñez whose telephone number is (571)272-2753. The examiner can normally be reached on Monday Through Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JN  
8/14/2006



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**